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TC 1700

612.41024X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KOHLER et al

Serial No.: 10/030,222

Filed: January 8, 2002

For: System And Method Intended For Thermal
Insulation Of A Pipe With Vegetable Foam

Art Unit: 1772

Examiner: J. Rhee

REQUEST FOR WITHDRAWAL OF FINALITY

Mail Stop:
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 4, 2004

Sir:

Applicants, through their undersigned attorney, acknowledge receipt of an office action mailed January 23, 2004, in connection with the above-identified application. The Examiner has made the office action final. Since the finality of the office action is premature, applicants request that the Examiner withdraw the finality of the office action and issue a revised, non-final office action.

The Examiner alleges on page 7 of the office action that applicants' amendment necessitated the new grounds of rejection presented in the office action. However, the amendment of October 23, 2003, only amended claims 1 and 3 to positively claim the steps of the method and amended claims 6, 8 and 10 to delete the "preferably" and "exemplary" limitations therefrom. None of these amendments substantively change the subject matter of the claims, especially the scope of independent claim 1. Therefore, the amendment did not necessitate any new prior

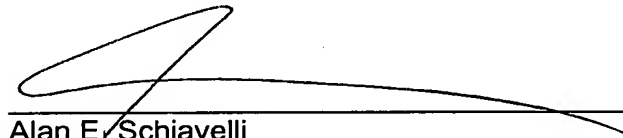
art grounds of rejection. However, the outstanding office action clearly contains new prior art grounds of rejection in numbered sections 3 and 5. Accordingly, the finality of the outstanding office action is premature and should be withdrawn.

Applicants request that the Examiner withdraw the finality of the outstanding office action and issue a revised non-final office action. It is also requested that the period for response be restarted with the mailing date of the revised non-final office action.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 612.41024X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Alan E. Schiavelli', is written over a horizontal line.

Alan E. Schiavelli
Registration No. 32,087

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